

AMENDED IN ASSEMBLY APRIL 17, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 484

Introduced by Assembly Member Bonilla

February 19, 2013

An act to ~~add Section 60640.3 to~~ amend Sections 60601, 60602, 60603, 60604, 60605.85, 60607, 60610, 60611, 60612, 60614, 60615, 60630, 60640, 60641, 60642.5, 60643, 60648, 99300, and 99301 of, to amend the heading of Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 of Division 4 of Title 2 of, to add Sections 60602.5, 60640.3, 60642.6, 60642.7, 60642.8, 60644.3, and 60648.5 to, to repeal Sections 60605.5, 60606, 60640.2, 60643.1, 60643.5, and 60645 of, and to repeal, add, and repeal Section 60649 of, the Education Code, relating to pupil assessments, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 484, as amended, Bonilla. Pupil assessments: ~~temporary suspension.~~ *California Measurement of Academic Performance and Progress for the 21st Century (CALMAPP21).*

(1) Existing law, the Leroy Greene California Assessment of Academic Achievement ~~Act (hereafter the act), Act,~~ requires the Superintendent of Public Instruction to design and implement a statewide pupil assessment program, and requires school districts, charter schools, and county offices of education to administer to each of its pupils in grades 2 to 11, inclusive, certain achievement tests, including a standards-based achievement test pursuant to the Standardized Testing and Reporting (STAR) Program. Existing law makes the ~~act~~ *Leroy*

Greene California Assessment of Academic Achievement Act inoperative on July 1, 2014, and repeals it on January 1, 2015.

Existing federal law, the No Child Left Behind Act of 2001, contains provisions generally requiring states to adopt performance goals for their public elementary and secondary schools, and to demonstrate that these public schools are making adequate yearly progress, as measured by pupil performance on standardized tests as well as other measures, to satisfy those goals.

Existing law, the Early Assessment Program, establishes a collaborative effort, headed by the California State University, to enable pupils to learn about their readiness for college-level English and mathematics before their senior year of high school.

This bill would revise and recast numerous statutes relating to pupil assessment. The bill would establish the California Measurement of Academic Performance and Progress for the 21st Century (CALMAPP21), which would succeed the STAR Program, and specify procedures and policies for CALMAPP21. These provisions would become inoperative on July 1, 2024, and would be repealed on January 1, 2025, except for a specified reporting provision, which would become inoperative and be repealed one year later.

~~This~~

The bill would provide that, notwithstanding any other laws, commencing with the 2013–14 school year, the administration of assessments required as part of the STAR Program would be suspended, except for those assessments in the core subjects necessary to satisfy the adequate yearly progress requirements of the federal No Child Left Behind Act of 2001 in grades 3 to 8, inclusive, and grade 10, and those assessments augmented for use as part of the Early Assessment Program in grade 11, until new assessments addressing the common core state standards are developed and implemented.

The bill would require unencumbered funds appropriated in a specified item of the Budget Act of 2012 for purposes of California's pupil testing program to be available during the 2013–14 fiscal year for the development of assessments addressing the common core state standards and next generation science standards to satisfy the assessment requirements of a specified federal statute, thereby making an appropriation.

The bill would make conforming and other related changes and nonsubstantive changes.

(2) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: ~~no~~ yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 60601 of the Education Code is amended*
2 *to read:*

3 60601. This chapter shall become inoperative on July 1, ~~2014~~
4 2024, and as of January 1, ~~2015~~ 2025, is repealed, unless a later
5 enacted statute that is enacted before January 1, ~~2015~~ 2025, deletes
6 or extends the dates on which it becomes inoperative and is
7 repealed.

8 *SEC. 2. Section 60602 of the Education Code is amended to*
9 *read:*

10 60602. (a) It is the intent of the Legislature in enacting this
11 chapter to provide a system of individual assessment of pupils that
12 has the primary purpose of assisting teachers, administrators,
13 pupils, and their parents, to improve teaching and learning. In order
14 to accomplish these goals, the Legislature finds and declares that
15 California should adopt a coordinated and consolidated testing
16 program to do all of the following:

17 (1) First and foremost, provide information on the academic
18 status and progress of individual pupils to those pupils, their
19 parents, and their teachers. This information should be designed
20 to assist in the improvement of teaching and learning in California
21 public classrooms. The Legislature recognizes that, in addition to
22 statewide assessments that will occur as specified in this chapter,
23 school districts will conduct additional ongoing pupil diagnostic
24 assessment and provide information regarding pupil performance
25 based on those assessments on a regular basis to parents or
26 guardians and schools. The Legislature further recognizes that
27 local diagnostic assessment is a primary mechanism through which
28 academic strengths and weaknesses are identified.

29 (2) Develop and adopt a set of statewide academically rigorous
30 content standards and performance standards in all major subject
31 areas to serve as the basis for assessing the academic achievement
32 of individual pupils, as well as for schools, school districts, and
33 for the California education system as a whole. The performance

1 standards shall be designed to lead to specific grade level
2 benchmarks of academic achievement for each subject area tested
3 within each grade-level *level*, and shall be based on the knowledge
4 and skills that pupils will need in order to succeed in the
5 information-based, global economy of the 21st century.

6 (3) Ensure that all assessment procedures, items, instruments,
7 and scoring systems are independently reviewed to ensure that
8 they meet high standards of statistical reliability and validity and
9 that they do not use procedures, items, instruments, or scoring
10 practices that are racially, culturally, or gender biased.

11 (4) Provide information to pupils, parents or guardians, teachers,
12 schools, and school districts on a timely basis so that the
13 information can be used to further the development of the pupil
14 and to improve the educational program.

15 (5) Develop assessments that are comparable to the National
16 Assessment of Educational Progress and other national and
17 international assessment efforts, so that California's local and state
18 test results are reported in a manner that corresponds to the national
19 test results. Test results should be reported in terms describing a
20 pupil's academic performance in relation to the statewide
21 academically rigorous content and performance standards adopted
22 by the ~~State Board of Education~~ *state board* and in terms of
23 employment skills possessed by the pupil, in addition to being
24 reported as numerical or percentile scores.

25 (6) Assess pupils for a broad range of academic skills and
26 knowledge including both basic academic skills and the ability of
27 pupils to apply those skills.

28 (7) Include an appropriate balance of types of assessment
29 instruments, including, but not limited to, multiple choice
30 questions, short answer questions, and assessments of applied
31 academic skills.

32 (8) Minimize the amount of instructional time devoted to
33 assessments administered pursuant to this chapter.

34 (b) It is the intent of the Legislature, pursuant to this article, to
35 begin a planning and implementation process to enable the
36 Superintendent of ~~Public Instruction~~ to accomplish the goals set
37 forth in this section as soon as feasible.

38 (c) It is the intent of the Legislature that parents, classroom
39 teachers, other educators, governing board members of school
40 districts, and the public be involved, in an active and ongoing basis,

1 in the design and implementation of the statewide pupil assessment
2 program and the development of assessment instruments.

3 (d) It is the intent of the Legislature, insofar as is practically
4 feasible and following the completion of annual testing, that the
5 content, test structure, and test items in the assessments that are
6 part of the Standardized Testing and Reporting Program become
7 open and transparent to teachers, parents, and pupils, to assist all
8 the stakeholders in working together to demonstrate improvement
9 in pupil academic achievement. A planned change in annual test
10 content, format, or design, should be made available to educators
11 and the public well before the beginning of the school year in
12 which the change will be implemented.

13 (e) It is the intent of the Legislature that the results of the
14 California Standards Tests be available for use, after appropriate
15 validation, academic credit, or placement and admissions processes,
16 or both, at postsecondary educational institutions.

17 (f) *This section shall become inoperative on July 1, 2014.*

18 SEC. 3. *Section 60602.5 is added to the Education Code, to*
19 *read:*

20 60602.5. (a) *It is the intent of the Legislature in enacting this*
21 *chapter to provide a comprehensive assessment system that has*
22 *the primary purpose to model and promote high-quality teaching*
23 *and learning using a variety of assessment approaches and item*
24 *types. The assessments should produce scores that can be*
25 *aggregated for the purpose of holding schools and school districts*
26 *accountable for the achievement of all their pupils in learning the*
27 *California academic content standards. The system includes*
28 *assessments or assessment tools for multiple grade levels that*
29 *cover the full breadth and depth of the curriculum and promote*
30 *the teaching of the full curriculum. In order to accomplish these*
31 *goals, the Legislature finds and declares that California should*
32 *adopt a coordinated and consolidated testing system to do all of*
33 *the following:*

34 (1) *Develop and adopt a set of statewide academically rigorous*
35 *content standards in all major subject areas to serve as the basis*
36 *for modeling and promoting high-quality teaching and learning*
37 *activities across the entire curriculum and assessing the academic*
38 *achievement of pupils, as well as for schools, school districts, and*
39 *for the California education system as a whole. Exclusive of those*
40 *assessments established by a multistate consortium, produce*

1 *performance standards to be adopted by the state board designed*
2 *to lead to specific grade level benchmarks of academic achievement*
3 *for each subject area tested within each grade level based on the*
4 *knowledge, skills, and processes that pupils will need in order to*
5 *succeed in the information-based, global economy of the 21st*
6 *century.*

7 *(2) Provide information and resources to schools and school*
8 *districts to assist with the selection of local benchmark assessments,*
9 *diagnostic assessments, and formative tools aligned with the*
10 *state-adopted California academic content standards. The*
11 *Legislature recognizes the importance of local tools and*
12 *assessments used by schools and school districts to monitor pupil*
13 *achievement and to identify individual pupil strengths and*
14 *weaknesses. The Legislature further recognizes the role the state*
15 *may play in leveraging resources to provide schools and school*
16 *districts with information and tools for use at their discretion.*

17 *(3) Ensure that all assessment procedures, items, instruments,*
18 *scoring systems, and results meet high standards of statistical*
19 *reliability and validity and that they do not use procedures, items,*
20 *instruments, or scoring practices that are racially, culturally,*
21 *socioeconomically, or gender biased.*

22 *(4) Provide information to pupils, parents and guardians,*
23 *teachers, schools, and school districts on a timely basis so the*
24 *information can be used to further the development of the pupil*
25 *or to improve the educational program. The Legislature recognizes*
26 *that the majority of the assessments in the system will generate*
27 *individual pupil scores that will provide information on pupil*
28 *achievement to pupils, their parents or guardians, teachers,*
29 *schools, and school districts. The Legislature further recognizes*
30 *that some assessments in the system may solely generate results*
31 *at the school, school district, county, or state level for purposes*
32 *of improving the education program and promoting the teaching*
33 *and learning of the full curriculum.*

34 *(5) When administered as a census administration, results*
35 *should be reported in terms describing a pupil's academic*
36 *performance in relation to the statewide academically rigorous*
37 *content and performance standards and in terms of college and*
38 *career readiness skills possessed by the pupil, in addition to being*
39 *reported as numerical. When appropriate, the reports should*

1 *include a measure of growth that describes a pupil's current status*
2 *in relation to past performance.*

3 *(6) Where feasible, administer assessments via technology to*
4 *enhance the assessment of challenging content using innovative*
5 *item types and to facilitate expedited scoring.*

6 *(7) Minimize the amount of instructional time devoted to*
7 *assessments administered pursuant to this chapter. It is the intent*
8 *of the Legislature that any redundancies in statewide testing be*
9 *eliminated as soon as is feasible.*

10 *(b) It is the intent of the Legislature, pursuant to this article, to*
11 *initiate planning for the implementation process to enable the*
12 *Superintendent to accomplish the goals set forth in this section as*
13 *soon as feasible.*

14 *(c) It is the intent of the Legislature that parents, classroom*
15 *teachers, other educators, business community members, and the*
16 *public be involved, in an active and ongoing basis, in the design*
17 *and implementation of the statewide pupil assessment system and*
18 *the development of assessment instruments. The Legislature*
19 *recognizes the important role that these stakeholders play in the*
20 *success of the statewide pupil assessment system and the*
21 *importance of providing them with information and resources*
22 *about the new statewide system including the goals and appropriate*
23 *uses of the system.*

24 *(d) It is the intent of the Legislature, insofar as is practically*
25 *and fiscally feasible and following the completion of annual testing,*
26 *that the content, test structure, and test items in the assessments*
27 *that are part of the statewide pupil assessment system become*
28 *open and transparent to teachers, parents, and pupils, to assist*
29 *stakeholders in working together to demonstrate improvement in*
30 *pupil academic achievement. A planned change in annual test*
31 *content, format, or design should be made available to educators*
32 *and the public well before the beginning of the school year in*
33 *which the change will be implemented.*

34 *(e) It is the intent of the Legislature that the results of the*
35 *statewide pupil assessments be available for use, after appropriate*
36 *validation, for academic credit, or placement and admissions*
37 *processes, or both, at postsecondary educational institutions.*

38 *(f) This section shall become operative on July 1, 2014.*

39 *SEC. 4. Section 60603 of the Education Code is amended to*
40 *read:*

1 60603. As used in this chapter:

2 (a) *“Achievement level descriptors” means a narrative*
3 *description of the knowledge, skills, and processes expected of*
4 *pupils at different grades and at different performance levels on*
5 *achievement tests.*

6 ~~(a)~~

7 (b) *“Achievement test” means any standardized test that*
8 *measures the level of performance that a pupil has achieved in the*
9 *core curriculum areas on state-adopted content standards.*

10 ~~(b) “Assessment of applied academic skills” means a form of~~
11 ~~assessment that requires pupils to demonstrate their knowledge~~
12 ~~of, and ability to apply, academic knowledge and skills in order~~
13 ~~to solve problems and communicate. It may include, but is not~~
14 ~~limited to, writing an essay response to a question, conducting an~~
15 ~~experiment, or constructing a diagram or model. An assessment~~
16 ~~of applied academic skills may not include assessments of personal~~
17 ~~behavioral standards or skills, including, but not limited to, honesty,~~
18 ~~sociability, ethics, or self-esteem.~~

19 ~~(c) “Basic academic skills” means those skills in the subject~~
20 ~~areas of reading, spelling, written expression, and mathematics~~
21 ~~that provide the necessary foundation for mastery of more complex~~
22 ~~intellectual abilities, including the synthesis and application of~~
23 ~~knowledge.~~

24 (c) *“California Measurement of Academic Performance and*
25 *Progress for the 21st Century” means the comprehensive*
26 *assessment system that has the primary purpose of modeling and*
27 *promoting high-quality teaching and instruction using a variety*
28 *of assessment approaches and item types in both ESEA required*
29 *and ESEA nonrequired subject areas.*

30 (d) *“Census administration” means a test administration in*
31 *which all pupils take comparable assessments of the same content*
32 *and where results of individual performance are appropriate and*
33 *meaningful to parents and teachers.*

34 (e) *“Consortium” means a multistate collaborative organized*
35 *to develop a comprehensive system of assessments or formative*
36 *tools such as defined by Section 60605.7.*

37 (f) *“Constructed-response questions” are a type of assessment*
38 *item that require pupils to construct their own answer.*

39 ~~(d)~~

1 (g) “Content standards” means the specific academic knowledge,
2 skills, and abilities that all public schools in this state are expected
3 to teach and all pupils expected to learn in each of the core
4 curriculum areas, at each grade level tested.

5 (e)

6 (h) “Core curriculum areas” means the areas of reading, writing,
7 mathematics, history-social science, and science.

8 (f)

9 (i) “Diagnostic assessment” means ~~interim~~ assessments of the
10 current level of achievement of a pupil that serves both of the
11 following purposes: *particular knowledge or skills a pupil has or*
12 *has not yet achieved for the purpose of informing instruction and*
13 *making placement decisions.*

14 ~~(1) The identification of particular academic standards or skills~~
15 ~~a pupil has or has not yet achieved.~~

16 ~~(2) The identification of possible reasons that a pupil has not~~
17 ~~yet achieved particular academic standards or skills.~~

18 ~~(g) “Direct writing assessment” means an assessment of applied~~
19 ~~academic skills that requires pupils to use written expression to~~
20 ~~demonstrate writing skills, including writing mechanics, grammar,~~
21 ~~punctuation, and spelling.~~

22 ~~(h)~~

23 (j) “End of course exam” means a comprehensive and
24 challenging assessment of pupil achievement in a particular subject
25 area or discipline.

26 (k) “ESEA nonrequired subject area” means, exclusive of
27 subject areas required by the federal Elementary and Secondary
28 Education Act (Public Law 107-110; 20 U.S.C. Sec. 6301 et seq.),
29 also known as ESEA, the academic content areas and grades for
30 which there are state-adopted content standards or in areas such
31 as technology, instances where state-adopted content standards
32 across the curriculum could be assembled in a meaningful fashion
33 to create a body of state-adopted content standards for assessment
34 purposes.

35 (l) “ESEA required subject areas” means the areas and grades
36 required to be assessed to satisfy the accountability requirements
37 of the federal Elementary and Secondary Education Act, also
38 known as ESEA, or any future reauthorization of the ESEA.

39 (i)

(m) “Formative ~~assessment~~—*assessment tools*” means assessment tools and processes that are embedded in instruction and are used by teachers and pupils to provide timely feedback for purposes of adjusting instruction to improve learning.

(j)

(n) “High-quality assessment” means an assessment designed to measure a pupil’s knowledge of, understanding of, and ability to apply critical concepts through the use of a variety of item types and formats, including, but not limited to, items that allow for ~~open-ended~~ *constructed* responses and items that require the completion of ~~performance-based~~ *performance* tasks. A high-quality assessment should have the following characteristics:

(1) Enable measurement of pupil achievement and pupil growth *to the extent feasible*.

(2) Be of high technical quality by being valid, reliable, fair, and aligned to standards.

(3) Incorporate technology where appropriate.

(4) Include the assessment of pupils with disabilities and English learners.

(5) Use, to the extent feasible, universal design principles, as defined in Section 3 of the federal Assistive Technology Act of 1998 (29 U.S.C. Sec. 3002) in its development and administration.

(k)

(o) “Interim assessment” means an assessment that is *designed to be* given at regular and specified intervals throughout the school ~~year, is designed~~ *year* to evaluate a pupil’s knowledge and skills relative to a specific set of academic standards, and produces results that can be aggregated by course, grade level, school, or local educational agency in order to inform teachers and administrators at the pupil, classroom, school, and local educational agency levels.

(p) “*Matrix sampling*” means *administering different portions of a single assessment to different groups of pupils for the purpose of sampling a broader representation of content and reducing testing time*.

(t)

(q) “Performance standards” are standards that define various levels of competence at each grade level in each of the curriculum areas for which content standards are established. Performance standards gauge the degree to which a pupil has met the content

1 standards and the degree to which a school or school district has
2 met the content standards.

3 (m) ~~“Publisher” means a commercial publisher or any other~~
4 ~~public or private entity, other than the department, which is able~~
5 ~~to provide tests or test items that meet the requirements of this~~
6 ~~chapter.~~

7 (n) ~~“Statewide pupil assessment program” means the systematic~~
8 ~~achievement testing of pupils in grades 2 to 11, inclusive, pursuant~~
9 ~~to the standardized testing and reporting program under Article 4~~
10 ~~(commencing with Section 60640) and the assessment of basic~~
11 ~~academic skills and applied academic skills, administered to pupils~~
12 ~~in grade levels specified in subdivision (c) of Section 60605,~~
13 ~~required by this chapter in all schools within each school district~~
14 ~~by means of tests designated by the state board.~~

15 (r) *“Performance tasks” are a collection of questions or*
16 *activities that relate to a single scenario that include pupil*
17 *interaction with stimulus. Performance tasks are a means to assess*
18 *more complex skills such as writing, research, and analysis.*

19 (s) *“Population sampling” means administering assessments*
20 *to a representative sample of pupils instead of the entire pupil*
21 *population.*

22 (t) *“Recently arrived English learner” means a pupil designated*
23 *as an English learner who is in his or her first 12 months of*
24 *attending a school in the United States.*

25 (u) *“State-determined assessment calendar” means the*
26 *scheduling of assessments, exclusive of the consortium assessments,*
27 *over several years on a predetermined schedule. Content areas*
28 *and grades shall only be assessed after being publicly announced*
29 *at least two school years in advance of the assessment.*

30 (v) *“Summative assessment” means an assessment designed to*
31 *be given near the end of the school year to evaluate a pupil’s*
32 *knowledge and skills relative to a specific set of academic*
33 *standards.*

34 SEC. 5. *Section 60604 of the Education Code is amended to*
35 *read:*

36 60604. (a) The Superintendent shall design and implement,
37 consistent with the timetable and plan required pursuant to
38 subdivision (b), a statewide pupil assessment ~~program~~ system
39 consistent with the testing requirements of this article in accordance

1 with the objectives set forth in Section ~~60602~~ 60602.5. That
2 ~~program system~~ shall include all of the following:

3 (1) ~~A plan for producing valid, reliable, and comparable~~
4 ~~individual pupil scores in grades 2 to 11, inclusive, and a~~
5 ~~comprehensive analysis of these scores based on the results of the~~
6 ~~achievement test designated by the state board that assesses a broad~~
7 ~~range of basic academic skills pursuant to the Standardized Testing~~
8 ~~and Reporting (STAR) Program established by Article 4~~
9 ~~(commencing with Section 60640).~~

10 (2) ~~A method of working with publishers to ensure valid,~~
11 ~~reliable, and comparable individual, grade-level, school-level,~~
12 ~~district-level, county-level, and statewide scores in grades 2 to 11,~~
13 ~~inclusive.~~

14 *(1) Exclusive of the consortium assessments, a plan for*
15 *producing or adopting valid, fair, and reliable achievement tests*
16 *of the ESEA required and ESEA nonrequired subject areas as*
17 *recommended by the Superintendent and adopted by the state*
18 *board pursuant to the California Measurement of Academic*
19 *Performance and Progress for the 21st Century (CALMAPP21)*
20 *established by Article 4 (commencing with Section 60640).*

21 *(2) A plan for administering the consortium summative*
22 *assessments as outlined by the joint agreement of the consortium.*

23 (3) Statewide academically rigorous content and performance
24 standards that reflect the knowledge and *complex* skills that pupils
25 will need in order to succeed in the information-based, global
26 economy of the 21st century. These skills shall not include personal
27 behavioral standards or skills, including, but not limited to, honesty,
28 sociability, ethics, or self-esteem.

29 (4) A statewide system that provides the results of testing in a
30 manner that reflects the degree to which pupils are achieving the
31 academically rigorous content and performance standards adopted
32 by the state board.

33 (5) The alignment of assessment with the statewide academically
34 rigorous content and performance standards adopted by the state
35 board.

36 (6) The active, ongoing involvement of parents, classroom
37 teachers, administrators, other educators, governing board members
38 of school districts, *business community members, institutions of*
39 *higher education*, and the public in all phases of the design and
40 implementation of the statewide pupil assessment ~~program system~~.

1 (7) *A plan for ensuring the security and integrity of the*
2 *CALMAPP21 assessments.*

3 ~~(7)~~

4 (8) *The development of a contract or contracts with a publisher*
5 *or publishers, after the approval of statewide academically rigorous*
6 *content standards by the state board, vendor for the development*
7 *of— or administration of achievement tests and performance*
8 *standards and assessments of applied academic skills designed to*
9 *test pupils' knowledge of academic skills and abilities to apply*
10 *that knowledge and those skills in order to solve problems and*
11 *communicate aligned to state-adopted content standards.*

12 (b) *The Superintendent shall develop and annually update for*
13 *the Legislature a five-year cost projection, implementation plan,*
14 *and timetable for implementing the program system described in*
15 *subdivision (a) Section 60640. The annual update shall be*
16 *submitted on or before March 1 of each year to the chairperson of*
17 *the fiscal subcommittee considering budget appropriations in each*
18 *house. The update shall explain any significant variations from*
19 *the five-year cost projection for the current year budget and the*
20 *proposed budget.*

21 (c) *The Superintendent shall provide each school district with*
22 *guidelines for professional development that are designed to assist*
23 *classroom teachers to use the results of the assessments*
24 *administered pursuant to this chapter to modify instruction for the*
25 *purpose of improving pupil learning. These guidelines shall be*
26 *developed in consultation with classroom teachers and approved*
27 *by the state board before dissemination make resources available*
28 *designed to assist with the interpretation and use of the*
29 *CALMAPP21 results to promote the use of the results for the*
30 *purposes of improving pupil learning and educational programs*
31 *across the full curriculum.*

32 (d) *The Superintendent shall make information and resources*
33 *available to the public regarding the CALMAPP21 including, but*
34 *not limited to, system goals and purposes and program results and*
35 *information on the relationship between performance on the*
36 *previous state assessments and the CALMAPP21.*

37 ~~(d)~~

38 (e) *The Superintendent and the state board shall consider*
39 *comments and recommendations from school districts teachers,*

1 administrators, and the public in the development, adoption, and
2 approval of assessment instruments.

3 (e)

4 (f) The results of the achievement-test tests, exclusive of the
5 consortium summative assessments, administered pursuant to
6 Article 4 (commencing with Section 60640) shall be returned to
7 the school district within the period of time specified by the state
8 board.

9 *SEC. 6. Section 60605.5 of the Education Code is repealed.*

10 ~~60605.5. (a) On or before November 15, 2001, the State Board~~
11 ~~of Education shall adopt a performance standards system that~~
12 ~~includes the following components:~~

13 ~~(1) Performance levels.~~

14 ~~(2) Performance level descriptors.~~

15 ~~(3) Test administration data from the applicable State Board of~~
16 ~~Education adopted tests.~~

17 ~~(4) Exemplars of pupil performance that exemplify the content~~
18 ~~and performance standards.~~

19 ~~(b) The State Board of Education shall ensure that the~~
20 ~~performance standards system is aligned to the state's academically~~
21 ~~rigorous content standards.~~

22 *SEC. 7. Section 60605.85 of the Education Code is amended*
23 *to read:*

24 60605.85. (a) Notwithstanding any other law, the state board
25 shall adopt science content standards pursuant to the following
26 requirements:

27 (1) The Superintendent, in consultation with the state board,
28 shall convene a group of science experts. The Superintendent shall
29 ensure that the members of the group of science experts include,
30 but are not limited to, individuals who are elementary and
31 secondary science teachers, schoolsite principals, school district
32 or county office of education administrators, and university
33 professors. The Superintendent and the group of science experts
34 shall recommend science content standards for adoption to the
35 state board and shall utilize the Next Generation Science Standards
36 as the basis for their deliberations and recommendations to the
37 state board.

38 (2) The Superintendent shall hold a minimum of two public
39 meetings pursuant to the Bagley-Keene Open Meeting Act (Article
40 9 (commencing with Section 11120) of Chapter 1 of Part 1 of

1 Division 3 of Title 2 of the Government Code) in order for the
2 public to provide input on the science content standards that would
3 be recommended pursuant to paragraph (1).

4 (3) The Superintendent shall present the recommended science
5 content standards to the state board on or before July 31, 2013.

6 (4) On or before November 30, 2013, the state board shall adopt,
7 reject, or modify the science content standards presented by the
8 Superintendent.

9 (5) If the state board modifies the science content standards
10 presented by the Superintendent, it shall provide written reasons
11 for its modifications in a public meeting. The state board shall
12 adopt its modifications to the science content standards at a
13 subsequent public meeting held no later than November 30, 2013.
14 The public meetings required by this paragraph shall be held
15 pursuant to the Bagley-Keene Open Meeting Act (Article 9
16 commencing with Section 11120) of Chapter 1 of Part 1 of
17 Division 3 of Title 2 of the Government Code).

18 (b) The Superintendent and the state board shall present to the
19 Governor and the appropriate policy and fiscal committees of the
20 Legislature a schedule and implementation plan for integrating the
21 science content standards adopted pursuant to this section into the
22 state educational system.

23 ~~(e) This section shall remain in effect only until July 1, 2014,~~
24 ~~and as of that date is repealed, unless a later enacted statute, that~~
25 ~~is enacted before July 1, 2014, deletes or extends that date.~~

26 *SEC. 8. Section 60606 of the Education Code is repealed.*

27 ~~60606. (a) After adopting an assessment of applied academic~~
28 ~~skills for use in grades 4, 5, 8, and 10 pursuant to Section 60605,~~
29 ~~the state board shall submit the instrument, once designated or~~
30 ~~adopted, for review by the Statewide Pupil Assessment Review~~
31 ~~Panel, which is hereby established.~~

32 ~~(b) The panel shall consist of six members. Three members shall~~
33 ~~be appointed by the Governor, one member shall be appointed by~~
34 ~~the Senate Committee on Rules, one member shall be appointed~~
35 ~~by the Speaker of the Assembly, and one member shall be~~
36 ~~appointed by the Superintendent. A majority of the panel shall~~
37 ~~consist of parents whose children attend public schools in the state~~
38 ~~in kindergarten and grades 1 to 12, inclusive.~~

1 ~~(e) Panel members shall serve two-year terms, without~~
2 ~~compensation. No panel member shall serve more than two~~
3 ~~consecutive terms.~~

4 ~~(d) The panel shall review the instrument specified in~~
5 ~~subdivision (a) in order to ensure that the content of the instrument~~
6 ~~complies with the requirements of Section 60614. Notwithstanding~~
7 ~~any other provision of law, the panel may meet in closed session~~
8 ~~with a publisher for the purpose of addressing questions and~~
9 ~~clarifying issues that relate to ensuring that the content of the~~
10 ~~publisher's test or assessment, as the case may be, complies with~~
11 ~~the requirements of Section 60614.~~

12 ~~(e) The panel shall report its findings and recommendations to~~
13 ~~the state board within 10 days of its receipt of the instrument. If~~
14 ~~the panel fails to report within the required 10 days, the test or~~
15 ~~assessment shall be deemed acceptable to the panel.~~

16 *SEC. 9. Section 60607 of the Education Code is amended to*
17 *read:*

18 60607. (a) Each pupil shall have an individual record of
19 accomplishment by the end of grade 12 that includes the results
20 of the achievement test required and administered annually as part
21 of the ~~Standardized Testing and Reporting (STAR) Program~~
22 *California Measurement of Academic Performance and Progress*
23 *for the 21st Century (CALMAPP21)* established pursuant to Article
24 4 (commencing with Section 60640), results of end-of-course
25 exams he or she has taken, and the vocational education
26 certification exams he or she chose to take.

27 (b) It is the intent of the Legislature that school districts and
28 schools use the results of the academic achievement tests
29 administered annually as part of ~~the statewide pupil assessment~~
30 ~~program CALMAPP21~~ to provide support to pupils and parents or
31 guardians in order to assist pupils in strengthening their
32 development as learners, and thereby to improve their academic
33 achievement and performance in subsequent assessments.

34 (c) (1) Any pupil results or a record of accomplishment shall
35 be private, and may not be released to any person, other than the
36 pupil's parent or guardian and a teacher, counselor, or administrator
37 directly involved with the pupil, without the express written consent
38 of either the parent or guardian of the pupil if the pupil is a minor,
39 or the pupil if the pupil has reached the age of majority or is
40 emancipated.

(2) (A) Notwithstanding paragraph (1), a pupil or his or her parent or guardian may authorize the release of pupil results or a record of accomplishment to a postsecondary educational institution for the purposes of credit, placement, or admission.

(B) Notwithstanding paragraph (1), the results of an individual pupil on the California Standards Test-CALMAPP21 assessments, inclusive of consortium summative assessments, may be released to a postsecondary educational institution for the purposes of credit, placement, or admission.

SEC. 10. Section 60610 of the Education Code is amended to read:

60610. At the request of the State Board of Education, state board, and in accordance with rules and regulations that the state board may adopt, each county superintendent of schools shall cooperate with and assist school districts and charter schools under his or her jurisdiction in carrying out the testing programs of those school districts and charter schools and other duties imposed on school districts by this chapter.

SEC. 11. Section 60611 of the Education Code is amended to read:

60611. (a) A city, county, city and county, district superintendent of schools, or principal or teacher of any elementary or secondary school, including a charter school, shall not carry on any program for the sole purpose of specific test preparation of pupils for the statewide pupil assessment program system or a particular test used therein. Nothing in this section excludes the use of materials to familiarize pupils with item types or the computer based testing environment used in the California Measurement of Academic Performance and Progress for the 21st Century.

(b) A city, county, city and county, district superintendent of schools, principal, or a teacher of an elementary or secondary school, including a charter school, may use instructional materials provided by the department or its agents in the academic preparation of pupils for the statewide pupil assessment if those instructional materials are embedded in an instructional program that is intended to improve pupil learning.

SEC. 12. Section 60612 of the Education Code is amended to read:

60612. Upon adoption or approval of assessments pursuant to this chapter, the Superintendent of Public Instruction shall prepare and make available to parents, teachers, pupils, administrators, school board members, and the public easily understood materials describing the nature and purposes of the assessments, the systems of scoring, and the *valid* uses to which the assessments will be put. *Upon determining that funds are available for this purpose, the Superintendent shall produce the materials for parents in languages other than English.*

SEC. 13. Section 60614 of the Education Code is amended to read:

60614. Notwithstanding Section 51513, no test, examination, or assessment given as part of the ~~statewide pupil assessment program~~ *California Measurement of Academic Performance and Progress for the 21st Century* shall contain any questions or items that solicit or invite disclosure of a pupil's, or his or her parents' or guardians', personal beliefs or practices in sex, family life, morality, or religion nor shall it contain any question designed to evaluate personal behavioral characteristics, including, but not limited to, honesty, integrity, sociability, or self esteem.

SEC. 14. Section 60615 of the Education Code is amended to read:

60615. Notwithstanding any other ~~provision of law, exclusive of assessments used to meet federal accountability requirements,~~ a parent's or guardian's written request to school officials to excuse his or her child from any or all parts of the assessments administered pursuant to this chapter shall be granted. *These parental requests shall be honored for a full year after receipt.*

SEC. 15. Section 60630 of the Education Code is amended to read:

60630. ~~(a) The Superintendent shall prepare and submit an annual report to the Legislature and the state board containing an analysis of the results and test scores of the assessment of applied academic skills—summative assessments adopted pursuant to subdivision (b) of Section 60605. The report simultaneously shall be made available in an electronic medium on the Internet. The analysis may include, but need not be limited to, the following factors:~~

~~(1) Financial characteristics, including specially funded programs.~~

1 ~~(2) Pupil and parent characteristics.~~

2 ~~(3) Staff characteristics.~~

3 ~~(4) Instructional methodologies and materials.~~

4 ~~(b) School districts shall submit to the department whatever~~
5 ~~information the department deems necessary to carry out this~~
6 ~~section.~~

7 *SEC. 16. The heading of Article 4 (commencing with Section*
8 *60640) of Chapter 5 of Part 33 of Division 4 of Title 2 of the*
9 *Education Code is amended to read:*

10
11 *Article 4. Standardized Testing and Reporting Program*
12 *California Measurement of Academic Performance and Progress*
13 *for the 21st Century (CALMAPP21)*

14
15 *SEC. 17. Section 60640 of the Education Code is amended to*
16 *read:*

17 60640. (a) There is hereby established the ~~Standardized Testing~~
18 ~~and Reporting Program~~ *California Measurement of Academic*
19 *Performance and Progress for the 21st Century*, to be known as
20 ~~the STAR Program~~ *CALMAPP21*.

21 (b) From the funds available for that purpose, each school
22 district, charter school, and county office of education shall
23 administer to each of its pupils in grades ~~2 to 11, inclusive, the~~
24 ~~standards-based achievement test provided for in Section 60642.5~~
25 *3 to 8, inclusive, and grade 11, the achievement tests provided for*
26 *in Section 60642.5 that are used to satisfy the accountability*
27 *requirements of the federal Elementary and Secondary Education*
28 *Act ((ESEA) Public Law 107-110; 20 U.S.C. Sec. 6301 et seq.) or*
29 *any future reauthorization of the ESEA. As allowable by federal*
30 *statute, recently arrived English learner pupils are exempted from*
31 *taking the consortium assessment in English language arts. The*
32 *state board shall establish a testing period to provide that all schools*
33 *administer these tests to pupils at approximately the same time*
34 *during the instructional year, except as necessary to ensure test*
35 *security and to meet the final filing date year. The testing period*
36 *established by the state board shall take into consideration the*
37 *need of school districts to provide makeup days for pupils who*
38 *were absent during testing, as well as the need to schedule testing*
39 *on electronic computing devices.*

~~(e) The publisher and the school district shall provide two makeup days for the testing of previously absent pupils within the testing period established by the state board in subdivision (b).~~

~~(c) From the funds available for that purpose, each school district, charter school, and county office of education shall administer ESEA nonrequired subject area achievement tests as determined by the state board.~~

~~(d) From the funds available for that purpose, school districts, charter schools, and county offices of education shall administer field tests and pilot tests to support the CALMAPP21. These administrations shall be conducted in a manner to minimize the testing burden on individual schools.~~

~~(d)~~

~~(e) The governing board of the a school district may administer achievement tests in grades other than those required by subdivision (b) this section as it deems appropriate.~~

~~(e)~~

~~(f) Pursuant to Section 1412(a)(17) 1412(a)(16) of Title 20 of the United States Code, individuals with exceptional needs, as defined in Section 56026, shall be included in the testing requirement of subdivision (b) with appropriate accommodations in administration, where necessary, and those individuals with exceptional needs who are unable to participate in the testing, even with accommodations, shall be given an alternate assessment.~~

~~(f) (1) At the option of the school district, pupils with limited English proficiency who are enrolled in any of grades 2 to 11, inclusive, may take a second achievement test in their primary language. Primary language tests administered pursuant to this subdivision and subdivision (g) shall be subject to the requirements of subdivision (a) of Section 60641. These primary language tests shall produce individual pupil scores that are valid and reliable.~~

~~(2) Notwithstanding any other law, the state board shall designate for use, as part of this program, a single primary language test in each language for which a test is available for grades 2 to 11, inclusive, pursuant to the process used for designation of the assessment chosen in the 1997-98 fiscal year, as specified in Section 60643, as applicable.~~

~~(3) (A) The department shall use funds made available pursuant to Title VI of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) and appropriated by the annual Budget~~

1 Act for the purpose of developing and adopting primary language
2 assessments that are aligned to the state academic content
3 standards. Subject to the availability of funds, primary language
4 assessments shall be developed and adopted for reading/language
5 arts and mathematics in the dominant primary language of
6 limited-English-proficient pupils. The dominant primary language
7 shall be determined by the count in the annual language census of
8 the primary language of each limited-English-proficient pupil
9 enrolled in the California public schools.

10 (B) Once a dominant primary language assessment is available
11 for use for a specific grade level, it shall be administered in place
12 of the assessment designated pursuant to paragraph (1) for that
13 grade level.

14 (C) In choosing a contractor to develop a primary language
15 assessment the state board shall consider the criteria for choosing
16 a contractor or test publisher as specified by Section 60643, and
17 as specified by Section 60642.5, as applicable.

18 (D) Subject to the availability of funds, the assessments shall
19 be developed in grade order starting with the lowest grade subject
20 to the STAR Program.

21 (E) If the state board contracts for the development of primary
22 language assessments or test items to augment an existing
23 assessment, the state shall retain ownership rights to the assessment
24 and the test items. With the approval of the state board, the
25 department may license the test for use in other states subject to a
26 compensation agreement approved by the Department of Finance.

27 (F) On or before January 1, 2006, the department shall submit
28 to the Legislature a report on the development and implementation
29 of the initial primary language assessments and recommendations
30 on the development and implementation of future assessments and
31 funding requirements.

32 (g) A pupil identified as limited English proficient pursuant to
33 the administration of a test made available pursuant to Section
34 60810 who is enrolled in any of grades 2 to 11, inclusive, and who
35 either receives instruction in his or her primary language or has
36 been enrolled in a school in the United States for less than 12
37 months shall be required to take a test in his or her primary
38 language if a test is available.

39 (h)

(g) (1) The Superintendent shall apportion funds to school districts to enable school districts to meet the requirements of subdivisions (b), ~~(e), (f), and (g)~~ (c), and (d).

(2) The state board annually shall establish the amount of funding to be apportioned to school districts for each test administered and annually shall establish the amount that each publisher shall be paid for each test administered under the ~~agreements~~ *contracts* required pursuant to Section 60643. The amounts to be paid to the publishers shall be determined by considering the cost estimates submitted by each publisher each September and the amount included in the annual Budget Act, and by making allowance for the estimated costs to school districts for compliance with the requirements of subdivisions (b), ~~(e), (f), and (g)~~ (c), and (d).

(3) An adjustment to the amount of funding to be apportioned per test shall not be valid without the approval of the Director of Finance. A request for approval of an adjustment to the amount of funding to be apportioned per test shall be submitted in writing to the Director of Finance and the chairpersons of the fiscal committees of both houses of the Legislature with accompanying material justifying the proposed adjustment. The Director of Finance is authorized to approve only those adjustments related to activities required by statute. The Director of Finance shall approve or disapprove the amount within 30 days of receipt of the request and shall notify the chairpersons of the fiscal committees of both houses of the Legislature of the decision.

(i)

(h) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation for the apportionments made pursuant to paragraph (1) of subdivision ~~(h)~~ (g), and the payments made to the publishers under the contracts required pursuant to Section 60643 or subparagraph (C) of paragraph (1) of subdivision (a) of Section 60605 between the department and the contractor, are “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202, for the applicable fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202, for that fiscal year.

(j)

(i) As a condition to receiving an apportionment pursuant to subdivision ~~(h)~~, (g), a school district shall report to the Superintendent *via the California Longitudinal Pupil Achievement Data System* all of the following:

(1) The ~~number of~~ pupils enrolled in the school district in *the grades 2 to 11, inclusive in which assessments were administered pursuant to subdivision (b)*.

(2) The ~~number of~~ pupils to whom an achievement test was administered ~~in grades 2 to 11, inclusive, pursuant to subdivision (b)~~ in the school district.

(3) The ~~number of~~ pupils in paragraph (1) who were exempted from the test at the request of their parents or guardians.

~~(k)~~

(j) The Superintendent and the state board are authorized and encouraged to assist postsecondary educational institutions to use the assessment results of ~~the California Standards Tests CALMAPP21~~, including, but not *necessarily* limited to, the ~~augmented California Standards Tests grade 11 consortium summative assessments in English language arts and mathematics~~, for academic credit, placement, or admissions processes.

~~(l) The~~

(k) *Subject to the availability of funds in the annual Budget Act for this purpose and exclusive of the consortium assessments, the Superintendent, with the approval of the state board, annually shall release to the public test items from the standards-based achievement tests pursuant to Section 60642.5 administered in previous years. The Where feasible and practicable, the minimum number of test items released per year shall be equal to 25 percent of the total number of test items on the test administered in the previous year.*

(l) *On or before July 1, 2014, Sections 850 to 868, inclusive, of Title 5 of the California Code of Regulations shall be revised by the state board to conform to the changes made to this section in the first year of the 2013–14 Regular Session. The state board shall adopt initial regulations as emergency regulations to immediately implement the CALMAPP21 assessments, including, but not necessarily limited to, the administration, scoring, and reporting of the tests, as the adoption of emergency regulations is necessary for the immediate preservation of the public peace,*

1 *health, safety, or general welfare within the meaning of Section*
2 *11346.1 of the Government Code. The emergency regulations shall*
3 *be followed by the adoption of permanent regulations, in*
4 *accordance with the Administrative Procedure Act (Chapter 3.5*
5 *(commencing with Section 11340) of Part 1 of Division 3 of Title*
6 *2 of the Government Code).*

7 *SEC. 18. Section 60640.2 of the Education Code is repealed.*

8 ~~60640.2. (a) Subject to the approval of the state board, the~~
9 ~~department may make available to school districts and charter~~
10 ~~schools a primary language assessment developed pursuant to~~
11 ~~subparagraph (A) of paragraph (3) of subdivision (f) of Section~~
12 ~~60640 for assessing pupils who are enrolled in a dual language~~
13 ~~immersion program that includes the primary language of the~~
14 ~~assessment and who are either nonlimited English proficient or~~
15 ~~redesignated fluent English proficient. The cost for the assessment~~
16 ~~shall be the same for all school districts and charter schools, and~~
17 ~~shall not exceed the marginal cost of the assessment, including~~
18 ~~any cost the department incurs to implement this section.~~

19 ~~(b) A school district or charter school that chooses to administer~~
20 ~~a primary language assessment pursuant to this section shall do so~~
21 ~~at its own expense, and shall enter into an agreement for that~~
22 ~~purpose with the state testing contractor, as described in~~
23 ~~subparagraph (C) of paragraph (3) of subdivision (f) of Section~~
24 ~~60640, subject to the approval of the department.~~

25 *SEC. 19. Section 60640.3 is added to the Education Code, to*
26 *read:*

27 *60640.3. (a) (1) (A) Notwithstanding any other law,*
28 *commencing with the 2013–14 school year, the administration of*
29 *assessments required as part of the Standardized Testing and*
30 *Reporting Program shall be suspended, except for those*
31 *assessments in the core subjects necessary to satisfy the adequate*
32 *yearly progress requirements of the federal No Child Left Behind*
33 *Act of 2001 (Public Law 107-110; 20 U.S.C. Sec. 6301 et seq.) in*
34 *grades 3 to 8, inclusive, and grade 10, and those assessments*
35 *augmented for use as part of the Early Assessment Program*
36 *established by Chapter 6 (commencing with Section 99300) of*
37 *Part 65 of Division 14 of Title 3 in grade 11, until new assessments*
38 *addressing the common core state standards are developed and*
39 *implemented.*

1 (B) *In the 2014–15 school year, school districts and charter*
2 *schools shall receive the same Standardized Testing and Reporting*
3 *Program apportionment as was received for the 2013–14 school*
4 *year with the requirement that school districts and charter schools*
5 *use the funds from the suspended assessments on common core*
6 *implementation. These funds may be used for common core*
7 *professional development, technology to implement CALMAPP21,*
8 *or other activities to aid in the common core implementation.*

9 (2) *Commencing with the 2013–14 school year, the department*
10 *may make available to school districts and charter schools*
11 *suspended Standardized Testing and Reporting Program test forms.*
12 *The cost, including, but not necessarily limited to, shipping,*
13 *printing, scoring, and reporting per pupil shall be the same for*
14 *all school districts and charter schools, and shall not exceed the*
15 *marginal cost of the assessment, including any cost the department*
16 *incurs to implement this section. A school district or charter school*
17 *that chooses to administer an assessment pursuant to this section*
18 *shall do so at its own expense, and shall enter into an agreement*
19 *for that purpose with a contractor, subject to the approval of the*
20 *department.*

21 (b) *Notwithstanding any other law, commencing with the*
22 *2014–15 school year, all local educational agencies and charter*
23 *schools shall administer the consortium assessments in English*
24 *language arts and mathematics summative assessments in grades*
25 *3 to 8, inclusive, and grade 11, and use these assessments to*
26 *replace previously administered Standardized Testing and*
27 *Reporting Program assessments in those subject areas to satisfy*
28 *the federal accountability requirements of the federal Elementary*
29 *and Secondary Education Act (Public Law 107-110; 20 U.S.C.*
30 *Sec. 6301 et seq.).*

31 (c) *Notwithstanding any other law, the department is authorized*
32 *to enter into contracts to implement this section. The contracts are*
33 *exempt from the requirements of Part 2 (commencing with Section*
34 *10100) of Division 2 of the Public Contract Code and from the*
35 *requirements of Article 6 (commencing with Section 999) of*
36 *Chapter 6 of Division 4 of the Military and Veterans Code.*

37 (d) *Sections 850 to 868, inclusive, of Title 5 of the California*
38 *Code of Regulations shall be revised by the state board as it deems*
39 *necessary to conform with the changes made by the act that adds*
40 *this section. The state board shall adopt regulations as emergency*

1 *regulations to immediately implement the suspension of certain*
2 *Standardized Testing and Reporting Program assessments for the*
3 *2013–14 school year as outlined in this section as the adoption of*
4 *emergency regulations is necessary for the immediate preservation*
5 *of the public peace, health, safety, or general welfare within the*
6 *meaning of Section 11346.1 of the Government Code.*

7 *SEC. 20. Section 60641 of the Education Code is amended to*
8 *read:*

9 60641. (a) The department shall ensure that school districts
10 comply with each of the following requirements:

11 (1) ~~The standards-based achievement test tests~~ provided for in
12 ~~Section 60642.5 is~~ 60640 *are* scheduled to be administered to all
13 pupils during the period prescribed in subdivision (b) of Section
14 60640.

15 (2) ~~The~~ *For assessments that produce individual pupil results,*
16 *the individual results of each pupil test administered tested* pursuant
17 *to Section 60640 shall be reported, in writing, reported* to the
18 *parent or guardian of the pupil. The written report shall include a*
19 *clear explanation of the purpose of the test, the score of the pupil,*
20 *and the intended use by the school district of the test score. This*
21 *subdivision does not require teachers or other school district*
22 *personnel to prepare individualized explanations of the test score*
23 *of each pupil. It is the intent of the Legislature that nothing in this*
24 *section shall preclude a school or school district from meeting the*
25 *reporting requirement by the use of electronic media formats that*
26 *secure the confidentiality of the pupil and the pupil's results.*

27 (3) (A) ~~The~~ *For assessments that produce individual pupil*
28 *results, the individual results of each pupil test administered tested*
29 *pursuant to Section 60640 also shall be reported to the school and*
30 *teachers of a pupil. The school district shall include the test results*
31 *of a pupil in his or her pupil records. However, except as provided*
32 *in this section, individual pupil test results only may be released*
33 *with the permission of either the pupil's parent or guardian if the*
34 *pupil is a minor, or the pupil if the pupil has reached the age of*
35 *majority or is emancipated.*

36 (B) Notwithstanding subparagraph (A), a pupil or his or her
37 parent or guardian may authorize the release of individual pupil
38 results to a postsecondary educational institution for the purpose
39 of credit, placement, determination of readiness for college-level
40 coursework, or admission.

(4) The districtwide, school-level, and grade-level results of the STAR Program-CALMAPP21 in each of the grades designated pursuant to Section 60640, but not the score or relative position of any individually ascertainable pupil, shall be reported to the governing board of the school district at a regularly scheduled meeting, and the countywide, school-level, and grade-level results for classes and programs under the jurisdiction of the county office of education shall be similarly reported to the county board of education at a regularly scheduled meeting.

~~(b) The publisher of the standards-based achievement tests provided for in Section 60642.5 shall make the individual pupil, grade, school, school district, and state results available to the department pursuant to paragraph (9) of subdivision (a) of Section 60643 by August 8 of each year in which the achievement test is administered for those schools for which the last day of test administration, including makeup days, is on or before June 25. The department shall make the grade, school, school district, and state results available on the Internet by August 15 of each year in which the achievement test is administered for those schools for which the last day of test administration, including makeup days, is on or before June 25.~~

~~(c) The department shall take all reasonable steps to ensure that the results of the test for all pupils who take the test by June 25 are made available on the Internet by August 15, as set forth in subdivision (b).~~

(b) The Superintendent shall recommend, and the state board shall adopt, a calendar for delivery and receipt of summative assessment results at the pupil, school, grade, district, county, and state levels. The calendar shall include delivery dates to the department and to local educational agencies.

~~(d)~~

(c) The department shall ensure that a California Standards Test that is augmented pupils in grade 11, or parents or legal guardians of those pupils, may request results from assessments administered as part of this program for the purpose of determining credit, placement, or readiness for college-level coursework of a pupil in a postsecondary educational institution inform a pupil in grade 11 that he or she may request that the results from that assessment be released to a postsecondary educational institution.

1 *SEC. 21. Section 60642.5 of the Education Code is amended*
2 *to read:*

3 60642.5. (a) (1) The Superintendent, with *the* approval of the
4 state board, shall provide for the development of ~~an assessment~~
5 ~~instrument, to be called the California Standards Tests, that~~
6 ~~measures the degree to which pupils are achieving the academically~~
7 ~~rigorous content standards and performance standards, to the extent~~
8 ~~standards have been adopted by the state board. These~~
9 ~~standards-based achievement tests shall contain the subject areas~~
10 ~~specified in paragraph (3) of subdivision (a) of Section 60603 for~~
11 ~~grades 2 to 8, inclusive, and shall include an assessment in~~
12 ~~history/social science in at least one elementary or middle school~~
13 ~~grade level selected by the state board and science in at least one~~
14 ~~elementary or middle school grade level selected by the state board,~~
15 ~~and the core curriculum areas specified in paragraph (5) of~~
16 ~~subdivision (a) of Section 60603 for grades 9 to 11, inclusive,~~
17 ~~except that history-social science shall not be included in the grade~~
18 ~~9 assessment unless the state board adopts academic content~~
19 ~~standards for a grade 9 history-social science course, and shall~~
20 ~~include, at a minimum, a direct writing assessment once in~~
21 ~~elementary school and once in middle or junior high school and~~
22 ~~other items of applied academic skill if deemed valid and reliable~~
23 ~~and if resources are made available for their use assessments or~~
24 ~~the designation of assessments, including an alternate assessment~~
25 ~~pursuant to Section 60640, that measure the degree to which pupils~~
26 ~~are achieving the academically rigorous content standards adopted~~
27 ~~by the state board pursuant to Sections 60605, 60605.1, 60605.2,~~
28 ~~60605.3, 60605.8, and 60605.85.~~

29 (2) For the subject areas of English language arts and
30 mathematics for grades 3 to 8, inclusive, and grade 11, the
31 department shall administer consortium summative assessments
32 pursuant to the consortium administration directions.

33 (3) (A) For science assessments used to satisfy federal
34 accountability requirements, the Superintendent shall make a
35 recommendation to the state board within 6 months of the adoption
36 of science content standards pursuant to Section 60605.85.

37 (B) In consultation with stakeholders, including, but not limited
38 to, California science teachers, individuals with expertise in
39 assessing English learners and pupils with disabilities, parents,
40 and measurement experts, the Superintendent shall make

1 *recommendations regarding the grade level, content, and type of*
2 *assessment. The Superintendent shall consider the use of*
3 *consortium developed assessments, innovative item types,*
4 *computer-based testing, and a timeline for implementation.*

5 *(4) For ESEA nonrequired subject areas, including, but not*
6 *limited to, science, mathematics, history-social science, technology,*
7 *and visual and performing arts, the Superintendent shall consult*
8 *with stakeholders and subject matter experts to develop a plan for*
9 *assessing these content areas in a manner that models high-quality*
10 *teaching and learning activities. The plan shall be presented to*
11 *the state board for consideration and approval on or before*
12 *January 15, 2014. The state board-approved plan shall be*
13 *submitted to the Governor, chairs of the education committees in*
14 *both houses of the Legislature, and the chairs of the fiscal*
15 *committees of both houses of the Legislature no later than March*
16 *1, 2015.*

17 *(A) The plan shall consider the use of various assessment*
18 *options, including, but not limited to, computer-based tests, locally*
19 *scored performance tasks, and portfolios.*

20 *(B) The plan shall explore the use of a state-determined*
21 *assessment calendar that would schedule the assessment of ESEA*
22 *nonrequired subject areas over several years, the use of matrix*
23 *sampling, and the use of population sampling.*

24 *(C) The plan shall include a timeline for implementation and*
25 *cost estimates.*

26 *(D) Upon the appropriation of funding for this purpose, the*
27 *Superintendent shall develop and administer ESEA nonrequired*
28 *subject area assessments. For each ESEA nonrequired subject*
29 *area assessment, the state board shall approve test blueprints,*
30 *achievement level descriptors, testing periods, performance*
31 *standards, and a reporting plan.*

32 *(b) In approving a contract for the development or administration*
33 *of the California Standards Tests assessments, the Superintendent*
34 *and the state board shall consider each of the following criteria:*

35 *(1) The ability of the contractor to produce valid, reliable*
36 *individual pupil scores.*

37 *(2) The ability of the contractor to report results pursuant to*
38 *subdivision (a)-(b) of Section 60643 by August 8 60641.*

39 *(3) ~~The Exclusive of consortium assessments,~~ the ability of the*
40 *contractor to ensure alignment between the ~~standards-based~~*

1 achievement test and the academically rigorous content and
2 performance standards as those standards are adopted by the state
3 board. This criterion shall include the ability of the contractor to
4 implement a process to establish and maintain alignment between
5 the test items and the standards.

6 (4) The per pupil cost estimates of developing and, if
7 appropriate, administering the proposed assessment with a system
8 to facilitate the determination of future per pupil cost
9 determinations.

10 (5) The procedures of the contractor to ensure the security and
11 integrity of test questions and materials.

12 (6) The experience of the contractor in successfully conducting
13 testing programs adopted and administered by other states. For
14 experience to be considered, the number of grades and pupils tested
15 shall be provided.

16 ~~(e) The standards-based achievement tests may use items from~~
17 ~~other tests.~~

18 SEC. 22. Section 60642.6 is added to the Education Code, to
19 read:

20 60642.6. *Contingent on the appropriation of funding for this*
21 *purpose, the department shall acquire and offer at no cost to school*
22 *districts interim and formative assessment tools offered through*
23 *the consortium membership pursuant to Section 60605.7.*

24 SEC. 23. Section 60642.7 is added to the Education Code, to
25 read:

26 60642.7. *Contingent on the appropriation of funding for this*
27 *purpose, the Superintendent shall consult with stakeholders,*
28 *including assessment and English learner experts, to determine if*
29 *stand-alone English language arts and mathematics summative*
30 *assessments in primary languages, languages other than English,*
31 *are needed to supplement the consortium assessments. If it is*
32 *determined that supplemental summative assessments are needed,*
33 *the Superintendent shall consider the appropriate uses for these*
34 *assessments, including, but not necessarily limited to, support for*
35 *the State Seal of Biliteracy and accountability. The Superintendent*
36 *shall report to the state board at a public meeting no later than*
37 *November 30, 2015, on the determination of the need for*
38 *stand-alone academic assessments in primary languages other*
39 *than English, including, but not necessarily limited to, summative*
40 *assessments in English language arts and mathematics.*

1 SEC. 24. Section 60642.8 is added to the Education Code, to
2 read:

3 60642.8. The Superintendent shall make recommendations to
4 the state board regarding the suitability and sustainability of the
5 Academic Performance Index, as defined in Section 52052, in the
6 transition from the STAR Program to CALMAPP21.

7 SEC. 25. Section 60643 of the Education Code is amended to
8 read:

9 ~~60643. (a) To be eligible for consideration under Section~~
10 ~~60642.5 by the state board, test publishers shall agree in writing~~
11 ~~each year to meet the following requirements, as applicable, if~~
12 ~~selected:~~

13 ~~(1) Enter into an agreement, pursuant to subdivision (e) or (f),~~
14 ~~with the department by October 15 of that year.~~

15 ~~(2) Align the standards-based achievement test provided for in~~
16 ~~Section 60642.5 to the academically rigorous content and~~
17 ~~performance standards adopted by the state board.~~

18 ~~(3) Comply with subdivisions (c) and (d) of Section 60645.~~

19 ~~(4) Provide valid and reliable individual pupil scores to parents~~
20 ~~or guardians, teachers, and school administrators.~~

21 ~~(5) Provide valid and reliable aggregate scores to school districts~~
22 ~~and county boards of education in all of the following forms and~~
23 ~~formats:~~

24 ~~(A) Grade level.~~

25 ~~(B) School level.~~

26 ~~(C) District level.~~

27 ~~(D) Countywide.~~

28 ~~(E) Statewide.~~

29 ~~(F) Comparison of statewide scores relative to other states.~~

30 ~~(6) Provide disaggregated scores, based on~~
31 ~~limited-English-proficient status and nonlimited-English-proficient~~
32 ~~status. For purposes of this section, pupils with~~
33 ~~“nonlimited-English-proficient status” shall include the total of~~
34 ~~those pupils who are English-only pupils, fluent-English-proficient~~
35 ~~pupils, and redesignated fluent-English-proficient pupils. These~~
36 ~~scores shall be provided to school districts and county boards of~~
37 ~~education in the same forms and formats listed in paragraph (5).~~

38 ~~(7) Provide disaggregated scores by pupil gender and ethnicity~~
39 ~~and provide disaggregated scores based on whether pupils are~~
40 ~~economically disadvantaged or not. These disaggregated scores~~

1 shall be in the same forms and formats as listed in paragraph (5).
2 In any one year, the disaggregation shall entail information already
3 being collected by school districts, county offices of education, or
4 charter schools.

5 (8) Provide disaggregated scores for pupils who have
6 individualized education programs and have enrolled in special
7 education, to the extent required by federal law. These scores shall
8 be provided in the same forms and formats listed in paragraph (5).
9 This section shall not be construed to exclude the scores of special
10 education pupils from any state or federal accountability system.

11 (9) Provide information listed in paragraphs (5), (6), (7), and
12 (8) to the department and the state board in the medium requested
13 by each entity, respectively.

14 (b) It is the intent of the Legislature that the publisher work with
15 the Superintendent and the state board in developing a methodology
16 to disaggregate statewide scores as required in paragraphs (6) and
17 (7) of subdivision (a), and in determining which variable indicated
18 on the STAR testing document shall serve as a proxy for
19 “economically disadvantaged” status pursuant to paragraph (7) of
20 subdivision (a).

21 (c) Access to information about individual pupils or their
22 families shall be granted to the publisher only for purposes of
23 correctly associating test results with the pupils who produced
24 those results or for reporting and disaggregating test results as
25 required by this section. School districts are prohibited from
26 excluding a pupil from the test if a parent or parents decline to
27 disclose income. This chapter does not abridge or deny rights to
28 confidentiality contained in the federal Family Educational Rights
29 and Privacy Act of 1974 (20 U.S.C. Sec. 1232g) or other applicable
30 state and federal law that protect the confidentiality of information
31 collected by educational institutions.

32 (d)

33 60643. (a) Notwithstanding any other law, the publisher
34 contractor or contractors of the standards-based achievement test
35 tests provided for in Section 60642.5 or any contractor or
36 contractors under subdivision (f)(b) shall comply with all of the
37 conditions and requirements enumerated in subdivision (a), as
38 applicable, of the contract to the satisfaction of the Superintendent
39 and the state board.

40 (e)

1 (b) (1) A ~~publisher~~ *contractor* shall not provide a test described
2 in Section 60642.5 or 60650 or in subdivision (f) of Section 60640
3 for use in California public schools, unless the ~~publisher~~ *contractor*
4 enters into a written contract with the department as set forth in
5 this subdivision.

6 (2) The department shall develop, and the *Superintendent and*
7 *the state board* shall approve, a contract *or contracts* to be entered
8 into with a ~~publisher~~ *contractor* pursuant to paragraph (1). The
9 department may develop the contract through negotiations ~~with~~
10 ~~the publisher~~.

11 (3) For purposes of the contracts authorized pursuant to this
12 subdivision, the department is exempt from the requirements of
13 Part 2 (commencing with Section 10100) of Division 2 of the
14 Public Contract Code and from the requirements of Article 6
15 (commencing with Section 999) of Chapter 6 of Division 4 of the
16 Military and Veterans Code.

17 (4) The contracts shall include provisions for progress payments
18 to the ~~publisher~~ *contractor* for work performed or costs incurred
19 in the performance of the contract. Not less than 10 percent of the
20 amount budgeted for each separate and distinct component task
21 provided for in each contract shall be withheld pending final
22 completion of all component tasks by that ~~publisher~~ *contractor*.
23 The total amount withheld pending final completion shall not
24 exceed 10 percent of the total contract price *for that fiscal year*.

25 (5) The contracts shall require liquidated damages to be paid
26 by the ~~publisher~~ *contractor* in the amount of up to 10 percent of
27 the total cost of the contract for any component task that the
28 ~~publisher~~ *contractor* through its own fault or that of its
29 subcontractors fails to substantially perform by the date specified
30 in the agreement.

31 (6) The contracts shall establish the process and criteria by
32 which the successful completion of each component task shall be
33 recommended by the department and approved by the state board.

34 (7) The ~~publishers~~ *contractors* shall submit, as part of the
35 contract negotiation process, a proposed budget and invoice
36 schedule, that includes a detailed listing of the costs for each
37 component task and the expected date of the invoice for each
38 completed component task.

39 (8) The contracts shall specify the following component tasks,
40 as applicable, that are separate and distinct:

1 (A) Development of new tests or test items ~~as required by~~
2 ~~paragraph (2) of subdivision (a).~~

3 (B) Test materials production or publication.

4 (C) Delivery *or electronic distribution* of test materials to school
5 districts.

6 (D) Test processing, scoring, and analyses.

7 (E) Reporting of test results to the ~~school districts~~ *local*
8 *educational agencies*, including, but not *necessarily* limited to, all
9 reports specified in this section.

10 (F) Reporting of test results to the department, including, but
11 not limited to, the electronic files required pursuant to this section.

12 (G) All other analyses or reports required by the Superintendent
13 to meet the requirements of state and federal law and set forth in
14 the agreement.

15 ~~(9) The contracts shall specify the specific reports and data files,~~
16 ~~if any, that are to be provided to school districts by the publisher~~
17 ~~and the number of copies of each report or file to be provided.~~

18 ~~(10) The contracts shall specify the means by which any delivery~~
19 ~~date for materials to each school district shall be verified by the~~
20 ~~publisher and the school district.~~

21 ~~(11) School districts may negotiate a separate agreement with~~
22 ~~the publisher for any additional materials or services not within~~
23 ~~the contracts specified in this subdivision, including, but not limited~~
24 ~~to, the administration of the tests to pupils in grade levels other~~
25 ~~than grades 2 to 11, inclusive. Any separate agreement is not within~~
26 ~~the scope of the contract specified in this subdivision.~~

27 ~~(f) The department, with approval of the state board, may enter~~
28 ~~into a separate contract for the development or administration of~~
29 ~~a test authorized pursuant to this part, including, but not limited~~
30 ~~to, item development, coordination of tests, assemblage of tests~~
31 ~~or test items, scoring, or reporting. The liquidated damages~~
32 ~~provision set forth in paragraph (5) of subdivision (e) shall apply~~
33 ~~to a contract entered into pursuant to this subdivision.~~

34 *SEC. 26. Section 60643.1 of the Education Code is repealed.*

35 ~~60643.1. (a) (1) The test publisher designated by the state~~
36 ~~board pursuant to Section 60642 shall make available a reading~~
37 ~~list on the Internet by June 1 of the applicable school year. The~~
38 ~~reading list shall include an index that correlates ranges of pupil~~
39 ~~reading scores on the English language arts portion of the~~
40 ~~achievement test designated pursuant to Section 60642 to titles of~~

1 materials that would be suitable for pupils in each of grades 2 to
2 11, inclusive, to read in order to improve their reading skills. This
3 reading list shall include titles of books that allow a pupil to
4 practice reading at his or her current reading level and that will
5 assist the pupil in achieving a higher level of proficiency. To the
6 extent possible, the index also shall include information related to
7 the subject matter of each title. At a minimum, the reading list also
8 shall categorize titles by subject matter and identify age-appropriate
9 distinctions in the list.

10 (2) The test publisher, in each school year, shall make available
11 for purchase by school districts a report that provides a numerical
12 distribution of the reading scores of all pupils in California who
13 took the achievement test designated pursuant to Section 60642.

14 (3) The test publisher, in each school year, shall make available
15 for purchase by school districts reading lists that can be distributed
16 to pupils based on a pupil's age and the ranges of scores on the
17 English language arts portion of the achievement test designated
18 pursuant to Section 60642.

19 (4) The requirements of this subdivision shall become operative
20 only upon a determination by the Director of Finance that funds
21 are available to make an adjustment pursuant to subdivision (h)
22 of Section 60640.

23 (b) The state board and the Superintendent jointly shall certify
24 that the process used by the publisher to determine the reading
25 levels of the corresponding reading list pursuant to paragraph (1)
26 of subdivision (a) meets the following criteria:

27 (1) The process is educationally valid.

28 (2) The process results in a reading list for each reading span
29 that provides titles at the pupil's current reading level and the next
30 higher level for challenging practice.

31 (3) The process results in a selection from the universe of titles
32 from the list developed pursuant to subdivision (d) that matches
33 each reading level.

34 (4) The process is unbiased in the selection of publishers' titles
35 from the legal compliance list.

36 (e) The titles listed at each reading level range posted on the
37 Internet and the reading lists made available to school districts
38 pursuant to subdivision (a), at a minimum, shall include all relevant
39 literature materials approved as of September 1, 1999, as being
40 legally compliant pursuant to Article 3 (commencing with Section

1 60040) of Chapter 1 of Part 33, and the titles listed in all of the
2 content area reading and literature lists that are developed and
3 published by the department and that have been determined by the
4 department to meet the relevant reading level as certified pursuant
5 to subdivision (b).

6 (d) By imposing the requirements of this section on publishers,
7 it is not the intent of the Legislature to unfairly disadvantage any
8 publisher who has otherwise met the requirements of this section
9 or of Article 3 (commencing with Section 60040) of Chapter 1 of
10 Part 33.

11 *SEC. 27. Section 60643.5 of the Education Code is repealed.*

12 ~~60643.5. (a) A school shall be reimbursed by the test publisher~~
13 ~~selected pursuant to this article for any unexpected expenses~~
14 ~~incurred due to scheduling changes that resulted from the late~~
15 ~~delivery of testing materials in connection with the STAR Program.~~

16 ~~(b) The State Department of Education shall monitor and report~~
17 ~~to the State Board of Education regarding the publisher's~~
18 ~~production, processing, and delivery system to ensure that a timely~~
19 ~~delivery of testing materials to all schools occurs during the~~
20 ~~1999-2000 testing cycle.~~

21 *SEC. 28. Section 60644.3 is added to the Education Code, to*
22 *read:*

23 *60644.3. Contingent on the receipt of funding for this purpose,*
24 *on or before December 1, 2014, the department shall identify*
25 *existing assessments in language arts and mathematics available*
26 *for purchase by schools and school districts that are appropriate*
27 *for pupils in grade 2 for diagnostic use by classroom teachers.*
28 *The purpose of these assessments shall be to aid teachers and to*
29 *gain information about the developing language arts and*
30 *mathematical skills of pupils in grade 2.*

31 *SEC. 29. Section 60645 of the Education Code is repealed.*

32 ~~60645. (a) The panel established pursuant to Section 60606~~
33 ~~shall review the standards-based achievement test provided for in~~
34 ~~Section 60642.5 and items identified in subdivision (d) for~~
35 ~~compliance with Section 60614.~~

36 ~~(b) Test questions or test content identified by the panel to be~~
37 ~~out of compliance with Section 60614 shall be recommended for~~
38 ~~deletion or replacement pursuant to subdivision (e) of Section~~
39 ~~60606.~~

1 ~~(e) The state board shall ensure that any question or content not~~
2 ~~in compliance with Section 60614 is deleted from the~~
3 ~~standards-based achievement test provided for in Section 60642.5.~~

4 ~~(d) If necessary to maintain the requirements of Section 60642.5,~~
5 ~~the publisher shall replace deleted test content with revisions that~~
6 ~~comply with Section 60614 as required by the state board pursuant~~
7 ~~to subdivision (e).~~

8 *SEC. 30. Section 60648 of the Education Code is amended to*
9 *read:*

10 ~~60648. The Exclusive of consortium summative assessments,~~
11 ~~the Superintendent of Public Instruction shall recommend, and the~~
12 ~~State Board of Education state board shall adopt, levels of pupil~~
13 ~~performance on summative achievement tests administered pursuant~~
14 ~~to this article in reading, English language arts, and mathematics~~
15 ~~ESEA required and ESEA nonrequired subject areas at each grade~~
16 ~~level. The performance levels shall identify and establish the level~~
17 ~~of performance that is deemed to be the minimum level required~~
18 ~~for satisfactory performance in the next grade. These levels of~~
19 ~~performance shall only be adopted after the standards-based~~
20 ~~achievement tests have been aligned, pursuant to paragraph (2) of~~
21 ~~subdivision (a) of Section 60643, to the content and performance~~
22 ~~standards adopted by the State Board of Education pursuant to~~
23 ~~subdivision (a) of Section 60605 minimum performance required~~
24 ~~for meeting a particular achievement-level expectation. Once~~
25 ~~adopted, these standards shall be reviewed every five years to~~
26 ~~determine whether adjustments are necessary.~~

27 *SEC. 31. Section 60648.5 is added to the Education Code, to*
28 *read:*

29 ~~60648.5. The department shall administer a survey of local~~
30 ~~educational agencies to determine how school districts are~~
31 ~~progressing toward implementation of a technology-enabled~~
32 ~~assessment system, and update the survey results biannually. The~~
33 ~~Superintendent shall make recommendations to the Legislature~~
34 ~~on or before January 31, 2014, to identify local educational~~
35 ~~agencies' needs in order to be capable of fully implementing a~~
36 ~~technology-enabled assessment system.~~

37 *SEC. 32. Section 60649 of the Education Code is repealed.*

38 ~~60649. On or before March 1, 2001, the Superintendent of~~
39 ~~Public Instruction and the State Board of Education shall report~~
40 ~~to the Legislature and the Governor on the status of implementation~~

1 of this chapter. The report shall include, but not be limited to, the
2 following:

3 (a) ~~Description of the actions taken to ensure full coverage of~~
4 ~~academic content standards in assessments developed pursuant to~~
5 ~~this chapter.~~

6 (b) ~~Identification of the types of test items designed to measure~~
7 ~~applied academic skills, as defined in subdivision (b) of Section~~
8 ~~60603.~~

9 (c) ~~The means by which the Superintendent of Public Instruction~~
10 ~~and the State Board of Education determine assessments are valid,~~
11 ~~reliable, and provide consistent year-to-year comparisons of student~~
12 ~~progress, consistent with nationally recognized and accepted test~~
13 ~~construction and implementation methodologies, as applicable.~~

14 (d) ~~Recommendations to improve the state's assessment system,~~
15 ~~identifying related costs or savings, and increases or decreases in~~
16 ~~testing time.~~

17 SEC. 33. *Section 60649 is added to the Education Code, to*
18 *read:*

19 60649. (a) *The department shall develop a three-year plan of*
20 *activities supporting the continuous improvement of the*
21 *assessments developed and administered pursuant to Section*
22 *60640. The plan shall include a process for obtaining independent,*
23 *objective technical advice and consultation on activities to be*
24 *undertaken. Activities may include, but not necessarily be limited*
25 *to, a variety of internal and external studies such as validity*
26 *studies, alignment studies, studies evaluating test fairness, testing*
27 *accommodations, testing policies, reporting procedures, and*
28 *consequential validity studies specific to pupil populations such*
29 *as English learners and pupils with disabilities.*

30 (b) *The department shall contract for a multiyear independent*
31 *evaluation of the assessments. Annual independent evaluation*
32 *reports shall include, but not necessarily be limited to,*
33 *recommendations to improve the quality, fairness, validity, and*
34 *reliability of the assessments.*

35 (c) *The independent evaluator shall report to the Governor, the*
36 *Superintendent, the state board, and the chairs of the education*
37 *policy committees in both houses of the Legislature by October 31*
38 *each year.*

39 (d) *Notwithstanding Section 60601, this section shall become*
40 *inoperative on July 1, 2025, and, as of January 1, 2026, is*

1 *repealed, unless a later enacted statute, that becomes operative*
2 *on or before January 1, 2026, deletes or extends the dates on which*
3 *it becomes inoperative and is repealed.*

4 SEC. 34. Section 99300 of the Education Code is amended to
5 read:

6 99300. (a) (1) The Legislature finds and declares that ~~in~~,
7 *commencing with the 2014–15 school year and for purposes of*
8 *the Early Assessment Program established by this chapter, the*
9 *California Standards Test and the augmented California Standards*
10 *tests in English language arts and mathematics should be replaced*
11 *with the grade 11 consortium assessments in English language*
12 *and mathematics.*

13 (2) *The Legislature further finds and declares that, in 2004,*
14 *the California State University (CSU) established the Early*
15 *Assessment Program (EAP), a collaborative effort among the State*
16 *Board of Education, the State Department of Education, and CSU,*
17 *to enable pupils to learn about their readiness for college-level*
18 *English and mathematics before their senior year of high school.*
19 *It is the intent of the Legislature that the office of the Chancellor*
20 *of the California Community Colleges, the office of the Chancellor*
21 *of the California State University, the State Board of Education,*
22 *and the State Department of Education work together to modify*
23 *the existing EAP to expand it to include the California Community*
24 *Colleges (CCC) so that, beginning in the 2009–10 school year,*
25 *high school juniors who are considering attending either system*
26 *can take the EAP and receive information in the summer before*
27 *their senior year concerning their preparation for college-level*
28 *work at both CSU and CCC.*

29 (b) It is also the intent of the Legislature that the existing EAP
30 student notification system, as currently operated by agreement
31 between CSU and the State Department of Education, be modified
32 to do both of the following:

33 (1) Reassure pupils that they are eligible to attend a community
34 college and that taking the EAP test has no bearing on their
35 eligibility to attend a community college.

36 (2) Inform pupils of their readiness for college-level coursework
37 in English or mathematics, or both, and recommend the next
38 appropriate steps as they pertain to achieving success at a
39 community college, similar to how CSU communicates with pupils
40 who take the EAP test and are prospective CSU students.

(c) It is also the intent of the Legislature that the EAP be modified to include all of the following requirements:

(1) That the participating community college districts utilize the existing EAP secure data repository and clearinghouse for test score distribution of the ~~California Standards Test (CST) and the augmented CST~~ assessment, as referenced in Section 60641.

(2) That the modified EAP not affect the statutory reporting requirements of the ~~STAR Program~~ provided in Section 60641, or increase the costs of either the ~~STAR Program~~ assessment program referenced in Section 60640 or the State Department of Education.

(3) That the modified EAP be titled the “Early Assessment Program.”

SEC. 35. Section 99301 of the Education Code is amended to read:

99301. (a) Notwithstanding subdivision (a) of Section 78213, the individual *assessment* results of the ~~California Standards Test (CST) and the augmented CST~~, as referenced in Section 60641, in addition to any other purposes, may be used by community college districts to provide diagnostic advice to, or for the placement of, prospective community college students participating in the EAP.

(b) (1) As authorized pursuant to subparagraph (B) of paragraph (3) of subdivision (a) of Section 60641, the individual *assessment* results of the ~~CST and the augmented CST~~, as referenced in Section 60641, shall be provided to the office of the Chancellor of the California Community Colleges.

(2) The office of the Chancellor of the California Community Colleges shall coordinate with community college districts that choose to voluntarily participate in the EAP as follows, and, to the extent possible, shall accomplish all of the following activities using existing resources:

(A) Encourage community college districts to choose to voluntarily participate in the EAP and notify them of the requirements of subdivision (c), including the requirements that the standards utilized by CSU to assess readiness for college-level English and mathematics courses, as expressed in the ~~CST as augmented by CSU assessment~~ referenced in Section 60641, shall also be used for the purposes of the EAP.

(B) Coordinate the progress of the program, provide technical assistance to participating community college districts pursuant

1 to subdivision (c) as needed, identify additional reporting and
2 program criteria as needed, and provide a report to the Legislature
3 and Governor on or before February 15, 2015, on the
4 implementation and results of the EAP for community college
5 students.

6 (C) Provide access to the individual ~~test-assessment~~ results of
7 ~~the CST and the augmented CST~~, as referenced in Section 60641,
8 to participating community college districts.

9 (c) For those community college districts that choose to work
10 directly with high school pupils within their respective district
11 boundaries who took the ~~augmented CST~~ *assessment*, as referenced
12 in Section 60641, and choose to offer assistance to these pupils in
13 strengthening their college readiness skills, all of the following
14 provisions apply:

15 (1) The individual results of the ~~CST and the augmented CST~~
16 *assessment*, as referenced in Section 60641, shall be released by
17 the office of the Chancellor of the California Community Colleges,
18 as authorized pursuant to subparagraph (B) of paragraph (3) of
19 subdivision (a) of Section 60641, to participating community
20 college districts upon their request for this information and may
21 be used to provide diagnostic advice to prospective community
22 college students participating in the EAP.

23 (2) Pursuant to subparagraph (A) of paragraph (2) of subdivision
24 (b), the same standards utilized by CSU to assess readiness shall
25 also be used for purposes of this section.

26 (3) The ~~augmented CST~~ *assessment*, as referenced in Section
27 60641, and currently utilized by CSU for purposes of early
28 assessment, shall be used to assess the college readiness of pupils
29 in the EAP.

30 (4) Participating community college districts are encouraged to
31 consult with the Academic Senate for the California Community
32 Colleges to work toward sequencing their precollegiate level
33 courses and transfer-level courses in English and mathematics to
34 the elementary and secondary education academic content standards
35 adopted pursuant to Section 60605.

36 (5) Participating community college districts shall identify an
37 EAP coordinator and shall coordinate with CSU campuses and
38 schools offering instruction in kindergarten and any of grades 1
39 to 12, inclusive, in their respective district boundaries on
40 EAP-related activities that assist pupils in making decisions that

1 increase their college readiness skills and likelihood of pursuing
2 a postsecondary education.

3 (6) In order to provide high school pupils with an indicator of
4 their college readiness, a community college district participating
5 in the EAP shall use individual ~~test-assessment~~ results provided
6 to that college pursuant to paragraph (1) of, and subparagraph (C)
7 of paragraph (2) of, subdivision (b) to provide diagnostic advice
8 to prospective community college students participating in the
9 EAP.

10 (7) The individual results of the ~~augmented CST assessment~~,
11 as referenced in Section 60641 for purposes of the EAP, shall not
12 be used by a community college as a criterion for admission.

13 (8) Participating community college districts shall utilize the
14 existing infrastructure of academic opportunities, as developed by
15 CSU, to provide additional preparation in grade 12 for prospective
16 community college students participating in the EAP.

17 (d) Both of the following provisions apply to CSU:

18 (1) The individual results of the ~~CST and the augmented CST~~
19 ~~assessment~~, as referenced in Section 60641, as authorized pursuant
20 to subparagraph (B) of paragraph (3) of subdivision (a) of Section
21 60641, shall be released to, and in addition to any other purposes
22 may be used by, CSU to provide diagnostic advice to, or for the
23 placement of prospective CSU students participating in the EAP.

24 (2) The individual results of the ~~augmented CST assessment~~,
25 as referenced in Section 60641 for purposes of the EAP, shall not
26 be used by CSU as a criterion for admission.

27 *SEC. 36. Notwithstanding any other law, funds appropriated*
28 *in Schedule 2 of Item 6110-113-0001 of Section 2.00 of the Budget*
29 *Act of 2012 (Chapter 21 of the Statutes of 2012), and*
30 *unencumbered as of the operative date of the act that adds this*
31 *section, shall be available during the 2013–14 fiscal year for the*
32 *development of assessments addressing the common core state*
33 *standards and the next generation science standards to satisfy the*
34 *assessment requirements of the federal Elementary and Secondary*
35 *Education Act (Public Law 107-110; 20 U.S.C. Sec. 6301 et seq.).*

36 *SEC. 37. This act is an urgency statute necessary for the*
37 *immediate preservation of the public peace, health, or safety within*
38 *the meaning of Article IV of the Constitution and shall go into*
39 *immediate effect. The facts constituting the necessity are:*

1 *In order for the suspension of assessments, and the other*
2 *important education initiatives, required by this act to be in effect*
3 *in time for the beginning of the 2013–14 school year, it is necessary*
4 *that this act take effect immediately.*

5 SECTION 1. Section 60640.3 is added to the Education Code,
6 to read:

7 60640.3. ~~Notwithstanding any other law, commencing with~~
8 ~~the 2013–14 school year, the administration of assessments~~
9 ~~required as part of the Standardized Testing and Reporting Program~~
10 ~~shall be suspended, except for those assessments in the core~~
11 ~~subjects necessary to satisfy the Adequate Yearly Progress~~
12 ~~requirements of the federal No Child Left Behind Act of 2001~~
13 ~~(Public Law 107-110; 20 U.S.C. Sec. 6301 et seq.) in grades 3 to~~
14 ~~8, inclusive, and grade 10 and those assessments augmented for~~
15 ~~use as part of the Early Assessment Program established by Chapter~~
16 ~~6 (commencing with Section 99300) of Part 65 of Division 14 of~~
17 ~~Title 3 in grade 11, until new assessments addressing the common~~
18 ~~core state standards are developed and implemented.~~

19 SEC. 2. ~~This act is an urgency statute necessary for the~~
20 ~~immediate preservation of the public peace, health, or safety within~~
21 ~~the meaning of Article IV of the Constitution and shall go into~~
22 ~~immediate effect. The facts constituting the necessity are:~~

23 ~~In order for the suspension of assessments required by this act~~
24 ~~to be in effect in time for the beginning of the 2013–14 school~~
25 ~~year, it is necessary that this act take effect immediately.~~